

# EXHIBIT 10

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*Attorneys for The SCO Group, Inc.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

<b>THE SCO GROUP, INC.,</b>  Plaintiff/Counterclaim-Defendant,  v.  <b>INTERNATIONAL BUSINESS MACHINES CORPORATION,</b>  Defendant/Counterclaim-Plaintiff.	<b>SCO'S FIFTH SET OF INTERROGATORIES</b>      Case No. 2:03CV0294DAK Honorable Dale A. Kimball Magistrate Judge Brooke C. Wells
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Defendant is directed to answer the following interrogatory fully, in writing, under oath, and in accordance with the following definitions and instructions.

Answers to the interrogatory must be served on the undersigned attorneys for The SCO Group, Inc. at the offices of Boies, Schiller & Flexner LLP, 333 Main Street, Armonk, NY 10504 within 30 days of service of the interrogatory.

#### DEFINITIONS AND INSTRUCTIONS

SCO hereby incorporates by reference all instructions, definitions and rules contained in the Federal Rules of Civil Procedure and further incorporates the definitions and instructions that are in SCO's First Set of Interrogatories (June 23, 2003), and the local rules or individual practices of this Court, as if fully set forth herein. In addition, for purposes of the following interrogatory, "UNIX Software Product" shall refer to the entire contents of any licensed UNIX product, including all intellectual property, source code, structures, sequences, organization, ideas, methods and concepts therein; and the entire contents of any software product(s) based (in whole or in part) on, derived or modified from, or created through exposure to, the original licensed UNIX product.

#### INTERROGATORY

23. Identify the extent to and manner in which IBM used or relied on UNIX Software Products in the creation, derivation, or modification of any source code that IBM contributed to Linux, including, but not limited to:
  - a. IBM's and Sequent's use of structures, sequences, organization, ideas, methods or concepts contained within any UNIX Software Product in developing source code that IBM contributed to Linux; and

b. IBM's and Sequent's programmers' exposure to any UNIX Software Product prior to assisting or during their assisting in the development of any contribution of source code to Linux.


DATED this 11th day of November, 2005.

Respectfully submitted,

HATCH, JAMES & DODGE, P.C.  
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Edward Normand

By



*Counsel for The SCO Group, Inc.*

**CERTIFICATE OF SERVICE**

Plaintiff, The SCO Group, Inc., hereby certifies that a true and correct copy of the foregoing SCO's Fifth Set of Interrogatories was served on IBM on the 11th day of November, 2005, by facsimile and U.S. Mail to:

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